REMARKS

Claims 1-43 remain unchanged and are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-3, 20-23, 25, 42, and 43 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Oki, et al. (U.S. Pub. No. 2003/0161633) ("Oki"). This rejection is respectfully traversed.

Independent Claims 1 and 22

As explained in the specification of the present application, GMPLS nodes have PSC switching capability and LSC switching capability (page 4, last paragraph of the specification).

In contrast, with respect to "GMPLS", Oki states that a photonic router 1C (cf. FIG. 22) comprises a packet switch 2C, an optical switch 3C, and an integrated control device (a GMPLS controller) 10C (cf. FIG. 23) which manages them in an integrated manner (paragraph [0398]). Moreover, in the relevant explanation of FIG. 22, Oki states that the packet switch 2C is PSC and the optical switch 3C is LSC (paragraph [0395]).

In view of the above, photonic routers 1C-1 to 1C-4 (cf. FIG. 22), each including the packet switch 2C and the optical switch 3C, may correspond to a GMPLS node or a node having a GMPLS function. However, unlike the GMPLS+IP/MPLS node of the

present invention, Oki neither discloses nor suggests that the photonic routers 1C-1 to 1C-4 are capable of processing an IP/MPLS protocol in addition to a GMPLS protocol.

Therefore, contrary to the Examiner's assertion, the photonic switch 3C of Oki does not correspond to the GMPLS+IP/MPLS node of the present invention. Moreover, the photonic switch 2C provided in a photonic router of Oki does not correspond to the IP/MPLS node of the present invention, and the photonic switch 3C provided in the photonic router of Oki does not correspond to the node having a GMPLS function of the present invention.

Similarly, contrary to the Examiner's assertion, an IP network 7C of Oki formed by packet switches 2C does not correspond to the IP network of the present invention, and a photonic network 8C formed by optical switches 3C of Oki does not correspond to the GMPLS network of the present invention. Rather, the network formed by the photonic routers 1C-1 to 1C-4 may correspond to a GMPLS network. Moreover, with respect to "IP network", a plurality of sub-networks which perform switching and transfer in units of packets (e.g., paragraph [0058]) of Oki, such as sub-networks 9-11 shown in FIG. 1 of Oki, may correspond to an IP network.

It appears that the Examiner correlates the packet network 7C and the packet switch 2C of Oki with the IP network and the IP/MPLS node of the present invention, respectively, because Oki states that electrical packet exchange within E-LSPs is performed according to MPLS (paragraph [0040]) and that the packet network 7C is, for example, an IP network (paragraph [0396]). However, assuming that these correlations were correct, it can be said that Oki does not include a network corresponding to a

GMPLS network and a node corresponding to a GMPLS node (a GMPLS+IP/MPLS node).

With respect to the "device which establishes a GMPLS label path", the Examiner points out an optical path establishment processing function section 30C (cf. FIG. 23, rather than FIG. 22 pointed out by the Examiner) provided in the integrated control device 10C of Oki. However, even if Oki establishes a path using the structure shown in FIG. 22 to FIG. 23, such path establishment is merely performed between GMPLS nodes. Unlike the "device which establishes a GMPLS label path" of the present invention, Oki does not establish a path between GMPLS+IP/MPLS nodes. Moreover, although the Examiner points out paragraphs [0058] to [0059] of Oki, these paragraphs merely state the aforementioned matters. Furthermore, although the Examiner points out paragraph [0296] of Oki, this paragraph merely discloses that if a border router within a sub-network requests the establishment of an E-LSP with another border router, an E-LSP is established by establishing an O-LSP between nodes within a multi-layer photonic network (cf. FIG. 22). Accordingly, Oki does not establish a path between GMPLS+IP/MPLS nodes.

With respect to the "device which tunnel transfers a packet", the Examiner points out FIG. 22 and a photonic router 1C-3 therein. However, as explained above, photonic routers of Oki may correspond to mere GMPLS nodes. Therefore, the portion of Oki pointed out by the Examiner merely performs transfer between GMPLS nodes, and does not perform tunnel-transfer. On the other hand, paragraph [0029] of Oki states that optical paths are established over a photonic core network, different electrical packet switching sub-networks are mutually connected together, and information is

transparently transferred between the electrical packet switching sub-networks over optical paths. Therefore, Oki may perform tunnel-transfer. However, unlike the "device which tunnel transfers a packet" of the present invention, Oki does not perform tunnel transfer between GMPLS+IP/MPLS nodes.

Independent Claim 20

With respect to "IP/MPLS node", "GMPLS network", "IP network", and "a node having a GMPLS function", the Examiner points out the same structural elements as those for Claims 1 and 22. Please note that although the Examiner points out networks 8D and 7D of Oki, these networks should read networks 8C and 7C. Specifically, Oki does not show reference symbol 8D. Moreover, although reference symbol 7D is shown in FIG. 34 and the like, since the Examiner only points out FIG. 22 of Oki, it is believed that the Examiner's intention is the network 7C shown in FIG. 22, rather than the network 7D shown in FIG. 34. In addition, the claimed limitation that "a GMPLS+IP/MPLS node which constitutes the GMPLS network and which is capable of processing a GMPLS protocol and an IP/MPLS protocol establishes a GMPLS label path of a packet layer with another GMPLS+IP/MPLS nodes in the GMPLS network" is included in Claims 1 and 22, and the Examiner points out FIG. 22 of Oki in the same manner as for Claims 1 and 22. Therefore, the foregoing arguments based on the recitations of Claims 1 and 22 can apply to Claim 20.

With respect to the "device which holds link state information", the Examiner points out paragraph [0403] of Oki. This paragraph discloses that a flooding section 21C communicates to the adjacent nodes link state information which has been

collected from its own node and from other nodes, and that a link state database 22C and an extension link state database 23C respectively retain optical path link state information and fiber link state information which have been collected from the other nodes. However, the "device which holds link state information" of the present invention is provided in an IP/MPLS node. As discussed above, the photonic router 1C of Oki may merely correspond to a GMPLS node, and hence the link state database 22C and the extension link state database 23C may be merely provided in such a GMPLS node.

Rejected Dependent Claims 2, 3, 21, 23, 25, 42, and 43

These claims should be allowed at least by virtue of their dependency on independent Claims 1, 20, or 22.

For at least these reasons, it is respectfully submitted that Claims 1-3, 20-23, 25, 42, and 43, along with claims depending therefrom, define patentable subject matter over Oki. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 4-19, 24, and 26-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant respectfully acknowledges the Examiner's indication of the allowable subject matter. Applicant elects to defer rewriting the objected to claims until the Examiner has considered Applicant's arguments.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this response is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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